

UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER

November 6, 1996

UNITED STATES OF AMERICA	)	
Complainant,	)	8 U.S.C. § 1324a Proceeding
	)	
v.	)	OCAHO Case No: 96A00026
	)	
JACOB SHLOMO SHANEE, DBA:	)	
PRICE BARGAIN	)	
Respondent.	)	

DECISION AND ORDER

This action was initiated by the United States Department of Justice, Immigration and Naturalization Service (INS) which filed a complaint in two counts with the Office of the Chief Administrative Hearing Officer (OCAHO) alleging that the respondent, Jacob Shlomo Shanee, doing business as Price Bargain, failed to prepare and/or present Employment Eligibility Verification Forms (Form I-9) for seven named individuals hired after November 6, 1986, failed to ensure that six named individuals hired after November 6, 1986 properly completed Section 1 of the Form I-9, and failed himself to properly complete Section 2 of the Form I-9 for the same six named individuals. Complainant filed an unopposed motion to amend complaint which I granted on August 30, 1996 to reflect the correct amount of the penalty requested.

On September 18, 1996, the parties filed a joint motion to approve consent findings pursuant to 28 C.F.R. § 68.14(a)(2) requesting approval of their consent findings in accordance with 28 C.F.R. § 68.14(b)(1) - (4) which provides:

Any agreement containing consent findings and a proposed decision and order disposing of a proceeding or any part thereof shall also provide:

- (1) That the decision and order based on consent findings shall have the same force and effect as a decision and order made after a full hearing;
- (2) That the entire record on which any decision and order may be based shall consist solely of the complaint, notice of hearing, and any other such pleadings and documents as the Administrative Law Judge shall specify;
- (3) A waiver of any further procedural steps before the Administrative

Law Judge; and

- (4) A waiver of any right to challenge or contest the validity of the decision and order entered into in accordance with the agreement.

I have reviewed the submission as provided in 28 C.F.R. 68.14(c) and find that it is generally acceptable in timeliness, form, and substance. In accordance with 28 C.F.R. § 68.14(b)(2), I find that the record consists of the amended complaint, the notice of hearing, an answer, the stipulated motion to approve consent findings, and the consent findings. I approve and adopt the agreed findings as submitted.

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

(1) The document entitled settlement agreement containing consent findings attached to the motion to approve consent findings submitted by the parties, including the admissions of fact contained therein, is adopted and made a part of this Decision and Order, according to its terms as if fully set out herein.

(2) The parties have agreed that respondent admits the allegations set forth in Counts I and II of the complaint thereby conceding violations of §274A(a)(1)(B) of the Immigration and Nationality Act (hereinafter the “Act”), 8 U.S.C. § 1324a(a)(1)(B) and § 274A(b)(3) of the Act, 8 U.S.C. § 1324a(b)(3), with regard to the employment of the individuals referred to in those counts of the complaint.

(3) On the basis of the consent findings, I find and conclude that Jacob Shlomo Shanee, doing business as Price Bargain, has violated § 274(a)(1)(B) of the Act, 8 U.S.C. § 1324a(a)(1)(B), and § 274A(b)(3) of the Act, 8 U.S.C. § 1324a(b)(3), with regard to the employment of the individuals referred to in Counts I and II of the complaint.

#### ACCORDINGLY, IT IS HEREBY ORDERED:

- (1) that the motion to approve the consent findings is granted;
- (2) that respondent pay a civil monetary penalty of five thousand one hundred dollars (\$5,100.00);
- (3) that each party bear its own attorney fees, costs, and other expenses incurred by that party in connection with these proceedings, except as provided in the settlement agreement containing consent findings;
- (4) that this Decision and Order has the same force and effect as a Decision and Order made after a full administrative hearing;

(5) that the entire record on which this Decision and Order is based consists solely of the amended complaint, the notice of hearing, an answer, the motion to approve consent findings, and the consent findings;

(6) that the parties have waived any further procedural steps before the Administrative Law Judge in this case;

(7) that this Decision and Order is final and unappealable and that the parties have waived any and all right to challenge or contest the validity of this Decision and Order in any forum; and

(8) that there shall be no hearing in this case.

SO ORDERED

Dated and entered this 6th day of November, 1996.

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Ellen K. Thomas  
Administrative Law Judge

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of November, 1996, I have served copies of the foregoing Decision and Order to the following persons at the addresses indicated:

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Associate General Counsel  
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Legal Technician to  
Ellen K. Thomas  
Administrative Law Judge  
Office of the Chief Administrative  
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